REMARKS

In the Office Action, the Examiner rejected to Claims 1 through 7 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., U.S. Patent Number 6,374,112, in view of Laakso, U.S. Patent Application Publication Number 2003/0003921 A1, and Cherpantier et al., U.S. Patent Number 5,805,993. Moreover, the Examiner has rejected to Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., in view of Rikken et al., U.S. Patent Number 6,031,827, and Cherpantier et al., U.S. Patent Number 5,805,993.

Applicant respectfully traverses the Examiner's obviousness rejection. Applicant has amended his claims to further emphasize this point. Applicant believes the combination of the teachings of Widegren et al. and Laakso fails to teach Applicant's invention as presently claimed.

Applicant advances that the cited art of record, individually or in combination, fail to teach or suggest Applicant's invention, as presently claimed. Regarding independent Claim 1, the Laakso reference fails to disclose or suggest "determining the current proportions of traffic of each rate". On the contrary, according to Laakso paragraph [0010] cited by the Examiner, a single lumped load value is estimated and compared to a first reference load value.

Regarding independent Claim 8, the Rikken reference fails to teach or suggest that "each base transceiver station is arranged to determine intermittently the proportions of traffic of each rate". To the contrary, the Rikken reference, in column 4 lines 4 to 10 and column 7 lines 35 to 47 cited by the Examiner, details a channel allocation granting takes place dependent on "priority regulations set for different types of connections and the prevailing traffic load." Again, traffic load is taught as being a single lumped parameter.

Contrary to the Examiner's contention, the Laakso reference in column 4 lines 4 to 10 and column 7 lines 35 to 47 neither discloses nor suggests any processing of the proportions of traffic of each rate with respect to independent Claim 8.

Furthermore, regarding independent Claim 8, the Cherpantier reference neither discloses nor suggests "the variable threshold being dependent upon the determined proportions". In column 4 lines 22 to 26, the Cherpantier reference discloses adjustment of a speed threshold at which to handover/handoff a mobile to a lower level cell dependent on the load of the lower level cell. Once again, load is disclosed as a single lumped parameter.
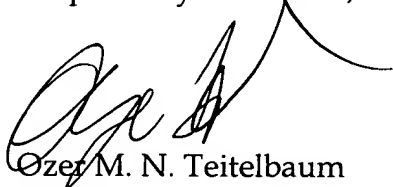
In view of the above comments, Applicant consequently advances that none of the cited art teach adjustment of a load threshold dependent on the relative proportions of different types of traffic having different data rates, as in the present invention.

Applicants further submit that one of ordinary skill in the art would also not seek to combine teachings of the Laakso and Cherpantier references. Applicant submits that the Laakso reference is concerned with adjusting transmission power when a power "load" is exceeded. Applicant submits that Cherpantier reference is concerned with handover/handoff to another cell when a mobile terminal's speed level exceeds a certain speed limit, the speed limit being adjusted dependent on the load of the current cell. Consequently, the Laakso and Cherpantier references relate to very different technical problems and solutions.

Applicants further note that all of the dependent claims are patentable not least on the basis that they depend on an allowable independent claim.

Applicant believes that a full and complete response has been made to Examiner Ferguson's Office Action. Thus, in view of the hereinabove remarks, Applicant respectfully requests allowance of their patent application and its claims. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,

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